

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WILLIAM SMITH, et al.

Defendant.

Case No: 12-CR-101-A

**NOTICE OF MOTION FOR
AN EXTENSION OF TIME
TO FILE OBJECTIONS**

NOTICE OF MOTION

COMES NOW the defendant, WILLIAM SMITH, by and through his attorneys, LIPSITZ GREEN SCIME CAMBRIA LLP, MICHAEL S. DEAL, ESQ., of counsel, and upon the annexed declaration of Michael S. Deal, Esq., hereby moves this Court for an Extension of Time to file objections to the Decision and Order and the Report and Recommendation of Magistrate Judge H. Kenneth Schroeder, Jr., both dated January 24, 2013 (Docket #'s 71 and 72, respectively).

DATED: February 7, 2013

Respectfully submitted,

LIPSITZ GREEN SCIME CAMBRIA, LLP

By s/Michael S. Deal

MICHAEL S. DEAL, ESQ.

Attorneys for Defendant,
WILLIAM SMITH
Office and Post Office Address
42 Delaware Avenue, Suite 300
Buffalo, New York 14202-3901
(716) 849-1333

TO: WILLIAM J. HOCHUL, JR., ESQ.
United States Attorney
138 Delaware Avenue

Buffalo, New York 14202

Attn: THOMAS S. DUSZKIEWICZ, ESQ.
Assistant United States Attorney

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff

Case No: 12-CR-101-A

vs.

DECLARATION

WILLIAM SMITH, et al.

Defendant.

**DECLARATION OF MICHAEL S. DEAL, ESQ.
IN SUPPORT OF MOTION FOR AN EXTENSION OF TIME**

MICHAEL S. DEAL, ESQ., declares:

1. I am an attorney at law duly licensed to practice in the State of New York and before this Court; I am a partner with the law firm of Lipsitz Green Scime Cambria LLP; and I represent the defendant, William Smith, herein.
2. On January 24, 2013, Magistrate Judge H. Kenneth Schroeder, Jr., issued a Decision and Order and Report and Recommendation addressing defendant Smith's non-dispositive and dispositive motions.
3. Objections are to be filed on February 7, 2013.
4. The press of other matters necessitate counsel's request for an extension of time for the filing of replies objections.
5. Counsel respectfully requests that the time for filing of the objections to be extended by only seven days to February 14, 2013.

6. I have been unable to personally communicate with counsel for the government, Assistant United States Attorney Thomas S. Duszkievicz; however, it is believed that he would not oppose this minimal request.

7. Defendant Smith maintains his waiver of speedy trial time for such extension pursuant to 18 U.S.C. 3161(h)(7)(A).

WHEREFORE, for the reasons set forth above, Mr. Smith respectfully requests an Extension of Time within which to file Objections to the objections to the Decision and Order and Report and Recommendation issued by Magistrate Judge H. Kenneth Schroeder, Jr., from February 7, 2013 to February 14, 2013.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 7, 2013

s/Michael S. Deal

MICHAEL S. DEAL, ESQ.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff

vs.

Case No: 12-CR-101-A

**CERTIFICATE OF
SERVICE**

WILLIAM SMITH, et al.,

Defendant.

That on February 7, 2013 I filed with the Clerk of the Western District of New York Court's CM/ECF Filing system;

That on February 7, 2013 I filed with the Clerk of the Western District of New York Court's CM/ECF Filing system to

THOMAS S. DUSZKIEWICZ
Assistant United States Attorney
Delaware Avenue
Buffalo, New York 14202

S:/ Michael S. Deal
Michael S. Deal